G. R. S. App F. IX-4]

1943 -4A

File No. 128 43

Previous References.
Mem 348-42-(12) 18 July 1943 (Mr rai)

Serial Nos. 1-17.

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos. Secundeen

Part B for May 1945.

SUBJECT.

Review Petition of T. P. Paramesvara-Sivaraja. Petit Tyajanelli Village Kunnathur Taluk.

No. R. 6810-41 dated 30. 4. 1945.

To The Commissioner
Do Deputy Commissioner

Orders in the case may be communicated to Paramesvaraja Sivaraja in appeal - fine of Rs 2000/- with a Solatium of Rs 100 -

1. 7. 45

Review Petition of J.P. Parameshwarappa, Patel Tyajavel Village, Kumsi Sub Taluk.
1822-3/R.

Continuation Sheet. Mwz File No. 128 / Current No. of 1943-44 Page. 1

[1] [2]

Petition dated 29th October 1943, from J.P. Parameshwarappa, Patel of Tyajavalli Village, Kumsi Sub Taluk, praying in the circumstances explained that G.O. No. R-9801-5/Mwz 348-42-2, dated the 12th June 1943, directing inter alia the disposal of S. Nos. 30 and 85 of the village endowed to the Chattram at the place may be reconsidered and the said lands may be confirmed to him at an upset price of Rs. 600/- per acre, and that the proceedings in respect sale of the lands may be stayed, pending orders of Govt.

(1) The facts of the case leading to the cancellation of the Inam tenure of S. Nos. 30 and 85, dry and wet, 2A-05G and 7A-29G in extent, assessed at As 8/- and Rs 27/- respectively, endowed as Kharmadaya Inam to the Choultry at Tyajavalli in Kumsi Sub Taluk Village, and their disposa in auction by the S.D.O. with a starting bid of Rs. 500/-, are contained in the report of the D.C. Shimoga (No. M.C. 154/42-43, dated the 15th March 1943) and the M.C.'s letter (No. C. 1462/42-43, dated 30th April 1943) recommending the disposal of these lands, and are for perusal. Govt. were pleased to accord sanction to his recommendation in their order No. R. 9801-5/Mwz. 348-42-2, dated the 12th June 1943, mentioned in the petition.

(2) The Petitioner states that his great-grand father was the original Sannad Holder in respect of the inam lands which were granted for the maintenance of the Choultry in the village and that his ancestors have been the Vahivatdars of the institution for nearly a century. He further states that as he is not in favour of the disposal of the Choultry, the well attached to it and its lands, the above G.O. may be reconsidered and the lands confirmed to him at an upset price of Rs. 600/-, and that in the meanwhile, the sale proceedings may be stayed.

Revision Petition of J.P. Parameshwarappa, Tyajavalli, Kumsi Sub-Taluk.

1822-3/R.

Continuation Sheet. Mus. File No. / Current No. 128 - of 43-44 Page. 2

(3) The party has submitted his petition through his Counsel. Necessary vakalat has been produced with the endorsement in original issued to him by the Court in the matter. A separate petition has been submitted praying for the issue of the stay order, and the petitions have been duly stamped as per rules.

(4) Whether the proceedings may be stayed as prayed for by the Petitioner and whether a report may be called for from the M.C. on the points urged in his petition are for consideration and orders. The party states that the lands are proposed to be sold in auction on the 4th November 1943.

Subject. (5) The Sale is fixed for the 4th inst. It is for consideration and orders if a stay order has to be issued and a report called for from the Mun. C. on the points urged in the petition.

(Sd.) 1/11

(6) Munsif Kumsi 1/XI/43

(7) A report may be called for from MC

(8) No stay order

Kll

2/11 Munsif 2/XI/43

Issue Drafts Subd.

(Sd.) 2.11.43. (Sd.) 3/11

DISTT. 2 NOV 1943 No 2144

TYPING 3 NOV. 1 GEN. & R.S.

Re; the Review Petition of T.P. Parameshwarappa, Patel Tyajavalli Village, Kunsi Sub Taluk.

1822-3/R.J 2354/R.

[3] Issued No R 2502, dated the 5th November 1943

To - The Muzrai Commissioner in Mysore.

Forwards the Review Petition for report with the connected records.

[4] Endorsement No. R 2503, dated the 5th November 1943

Granted to T.P Parameshwarappa, through his Counsel.

Informs him that the question of reconsidering the G.O. dated 12th June 1943 is under consideration and that his request regarding the issue of a stay order cannot be granted

Draft. 3/11/43.

[5] Petition dated the 1st December 1943, from T.P. Parameshwarappa

Praying again that the land in question may be granted to him at the upset price of Rs. 600/- already offered after cancelling the sale of the land.

(1) This is a further petition from Parameshwarappa, containing the same prayer, the lands in question seem to have been sold. The petition may perhaps be sent to the M.C in continuation with the request that the report may be expedited Any new point raised may also be dealt with in his report.

Draft 13.12.43 (2)

(13) Draft Subd. 15/12/43 (14)

[6] Issued No R 3571 dated the 23rd December 1943

To the Muzrai Commissioner in Mysore.

Forwards the petition and states that his report may be submitted early incorporating his remarks on any new points urged in the petition

Subd 24/12/43

[7] Petition dated nil, received on 23.12.43, from Mahadevappa

Review Petition of J.P. Parmeshwarappa of Tyajavalli Kumsi Sub

4 2354/R/2658/R

and other residents of Tyajavalli Village, praying for reasons stated that the sale of S. No. 85 conducted by the S.D.O. in which a sum of Rs. 2000/= approximately, was realised may be confirmed, and a fresh sale, if considered necessary, being ordered to be conducted with the initial bid equal to the sum now realised.

(15) The petitioners are evidently the opponents of the Patel who has prayed for a review of the G.O. directing the disposal of the land in auction. The present petition may also be sent to the M.C in continuation.

(16) Subd. with a draft for consideration

(17) [signature] 18/1

Issued No. R. 4085, dated the 18th January 1944 [8]

To The Mysore Commissioner in Mysore.

Forwards the petition and report called for may be expedited requests that the and that his opinion on the points urged in the petition may also be furnished. Sus A 19/1/44

From the Mysore Comm.

in. P/. 141/43-44 dated 19/4/44.

Requests sanction to the recommendation of the D.C Shimoga that both the lands (S Nos. 85 and 30) may be granted to Parameswarappa for an upset price of Rs 1600/-, the other prayer for the grant of Chattram building, well and Coffee being deferred till the question of handing them over to the Village Panchayat is finally settled.

15] The sale of the lands in question was held by the S.D.O Shimoga on 4/11/43 in

accordance with the instructions issued as per G.O dated 12/6/43; the S.No 85 is reported to have been knocked down to Abdul Gaffoor the highest bidder for Rs 2000/- and the amount together with Cesses credited to the Treasury, and the other S.No 30 is stated to have fetched no bid.

19) Subsequently, Parameswarappa has submitted petitions - Govt and to the A.C. stating that the lands have been in the possession and enjoyment of the family for a long time, that they have spent large sums of money for improving the same and requesting therefore that the lands may be given to them for an upset price of Rs 600/-.

20) On the other hand, Mahadevappa and others have submitted a petition to the Chief Secretary praying for the confirmation of the Sale already held and requesting that the lands need not be given to Patel Parameswarappa. Another A. P. Nagappa of Tyagavalli has stated in his petition to the D.C. Shimoga, that he would open an initial bid of Rs. 2500/- and has prayed that the lands might be resold, but this petition has been dismissed by the D.C. (Papers 4 and 5 of the file.)

21) In the circumstances mentioned in para 6 of the letter of the D.C. dated 16.9.43 requesting the recommendation of the D.C. Shimoga that Parameswarappa may be given preference as he has been all along

Review petition of T. P Parameswarappa.
4318 of Tyajavalli, Thirthahalli Sub-Dy

Continuation Sheet. Mysore File No. Current No. 128 of 463 Page. 6

been in the possession of Parameswarappa and his ancestors, both the lands (S.Nos 85 and 30) may be granted to Parameswarappa for an upset price of Rs 1600/-. which is considered reasonable.

2nd As regards the grant of the other properties, viz. Chattram building, well and tope, the D.C has stated that the question may be deferred till the question of handing them over to the Village Panchayat is finally settled.

3rd The proposals of the D.C. Shimoga agreed to by the A.C are for orders.

D.R.G.

6/5 (In 24) The M. is left to explain the facts of the case. Under the circumstances stated by the petitioner, the request to grant the lands to the petitioner free of the 15% may perhaps be considered.

(5) The Order from the Assistant Commissioner has allowed that he has expended Rs 1600/- for improvements. This should be ascertained, and if actually he has expended any amount, the petitioner should be asked to pay it.

3784
8/5

Gistha
and send

H.G.

26) S.No 85 wet measuring 7-29 has fetched Rs 2000/- in the auction sale held after due notice to all parties interested. It is difficult to believe the story that the land is not worth this much and that the high price realised is due to the existence of party factions in the village. Considering the present application of land values it does not seem to me that the price realised is much in excess of the present market price. If the petitioner is willing to pay this sum the sale may be cancelled and S.No 85 as well as S.No 30 which is a dry piece of land may be confirmed in his favour. The dry land does not appear to be worth much. The auction purchaser has to be given some compensation this may be fixed at 5% or Rs 100/-. The petitioner should agree to pay this in addition. There is no evidence that the auction purchaser has spent over Rs 100/- on the improvement of the land. Any way it is better to hear the petitioner

and the accretion purchaser before passing orders

Mr R 9x2) 8/5

R. C 10/5

16/5

MAY 1944 7098

(27) The concerned parties will be informed accordingly when the dates are fixed for hearing the other cases.

BRR 16/5.

(28) 16/5

(29) The sale records were perused again as directed and the following facts regarding the possession of the land are brought to light.

(30) In pursuance of G O No R 9801-5 / Misc 348-42-2, dated 12th June 1943, the two S. Nos. viz., 30 (part) and 85 (part) were notified for sale. The sale notice was published by the R.I. in the village on 13.10.43 and the petitioner's signature among others' was obtained to the notice. The sale (of the lands excluding the standing crops) was conducted as notified, by the S.D.O Shimoga on 4.11.43. No bid was received for S. No 30. The Respondent Abdul Gaffar offered a bid of Rs. 2000/- and as no further bids were forthcoming the sale was concluded in his favour and he deposited a sum of Rs. 571/- on the spot. The S.D.O. in his report dated 13.3.44 to the D.C. states that although Parameshwaraappa himself was present at the time of the sale he refused to sign the 'haraj-patti'.

(31) The sale-purchaser (Abdul Gaffar) having paid the balance

of the price of the land within the prescribed period of 15 days from the date of sale, the entire realisations including cesses amounting to Rs 2281 4 0 were credited to the Chirnegar TK treasury on 12 1 1944, and thereupon the S.D.C recommended to the R.C. that the sale may be confirmed. Hearing that the question of granting the lands to Parameshwarappa for an upset price was under consideration, some of the residents of Tyjavalli, who are evidently not on good terms with him, petitioned the M.C. urging that as the Patel was not worthy of any concession being shown to him, the lands may not be granted to him and that if necessary a fresh sale may be ordered to be held with the Rs 2100- which had been realised, as the initial bid. Subsequently, H P Nanjappa, stated to be the brother-in-law of Parameshwarappa approached the R.C praying that the sale may be set aside. But the R.C. confirmed the sale on 5.2.44 dismissing the petition of Nanjappa. Thereafter Nanjappa filed an appeal to the R.C. Parameshwarappa preferred an appeal to the M.C against the order of the R.C confirming the sale in favour of Abdul Gaffoor praying for the cancellation of the sale and the confirmation of the lands for an upset price and (ii) the grant of the Chattram, well and tope for Rs. 1461.

(32) In sending the above petitions to the R.C for report, the M.C. ordered that the the land, viz 5 Nos 85, should not be handed over to the possession of the sale-purchaser. The M.C's order is dated 15 2 44 but it reached the Dy-Amildar on 29 2 44. In the meanwhile a notice was issued by the Amildar on 16 2 44 accepting that in pursuance of R.C's order (No R Mis 23/43-44) dated the 7th February 1944, the land in question may be handed over to Abdul Gaffoor and permit him to cultivate the land with effect from 1943-44 and informing that after the receipt of the original records a formal patta which would be issued to him. The notice was served on Abdul Gaffoor on 16 2 1944 and he has noted on the same that he has taken possession of the said

Mwz Rev. Petn. of J.P. Parameshwarappa, Iyajavalli, re: S.No. 85 of the village endowed to the Choultry there.

H318/A.

Continuation Sheet. Mwz. **File No.** / ~~Current No.~~ 128 — of 1943-44 **Page.** 10

(33) Another order was issued by the Amildar on 29.2.44 stating that the land should not be put in possession of the party. The R.I reported on 2.3.1944 that although he was not authorised to hand over possession the party himself had noted on the duplicate of the first notice served on him that he had taken possession of the land and that he (the party) informed that he had let out the land on lease for cultivation. The second notice was served on the party on 4.3.44, and he has noted thereon that after the sale was confirmed he had assumed possession of the land and had started cultivation after preparing the land by the use of manure, etc, and that the tenants had already planted sugar cane therein.

(34) The Amildar inspected the land on 4.3.44 and reported that a portion (about 2 acres) of S.No. 85 has been, as hitherto, lying banjar, and that out of the remaining portion, 2/3 was sown with sugar-cane and the rest was being prepared for sowing sugar-cane. He stated further that the party had leased the land to Pujari Siddappa and Ali Sab for an annual gutta of 14 and 12 pallas of paddy, respectively, from the year 1942-43, and that as per orders of the Revenue Commissioner, the bidder has not been put in possession of the land.

(35) Such being the present position of the case, possession the claim of Parameshwarappa that he is in possession of the land is not tenable, and if he happens to be in possession it is unauthorised. Whether further information has to be called for is for consideration.

28/1/45

(36) As per instructions enquiry was made from both the R.I's and the M.I's offices.

Mwr Rev. Petn of J.P. Parameshwarappa, Tyejavalli, re. S. No. 83 of the endowed to the Choultry there.

4318/R - 4088/R

7) The no. of the case quoted by the petetioner, as having been heard before the R.C. relates to some other subject and the officials of the appeal section of the former office could not lay their hands on the relevant papers. Further information regarding possession of the lands is not available in the M.C's office.

(38) Draft calling for the records, if any, and the reqd. information put up for consideration.

20/1/45 (39)

Issued No R. 5177, dated the 29th January 1945 - To the Mwztai Commissioner in Mysore. Calls for the required information

Memo No. R. 5178, dated the 29th January 1945. To the D.C, Shimoga with records

(40) D.C. Reminder Subd. for signature

12/2/45.

Issued vide No. 5396 Dated 2.45
D.C. Shimoga.

Letter No. Mwr. C. 2145/43, dated the 14th February 1945

From the Deputy Commissioner, Shimoga District, forwarding a copy of his report addressed to the M.C.

(41) The copy of the report sent to the M.C. is for perusal. The receipt of the M.C's reply in the matter will be awaited.

(42)

Subd. 19.2.45 (43) D.O. Reminder is for signature.

19/2/45

Issued Vide No. 5612 Dated 19.2.45

[13]

Letter No. P.T-C-141/43-44, dated the 16th February 1945

From the Mwztai Commissioner in Mysore, returning the connected record with the duplicate copy of the report (No. Mwr. C. 2145/43-44 dated 14th February 1945) already received in this office from the D.C.

(44) Subd. The M.C. has not furnished any remarks of his own in the matter

(45) The D.C's report on rates that the two S.Nos. which

Mus. Petition of Parameshwarappa Tyajavam, re: the disposal of
No. 85 of the village which has been endowed to the local Choultry

F. 691 3768/R/4088/R-41109/Q

belonged to the Choultry at Tyajavalli have not been formally resumed although all the formalities connected with the sale of these lands in auction were gone through, and that the Patel has been allowed to be in possession of the lands. This amounts to a serious irregularity and no explanation has been furnished to show why these S. Nos were not actually resumed in pursuance of the G.O directing their disposal in auction

This case has been reserved for orders after hearing.

This case was heard on 22.1.45 and instructions were given by the Hon'ble to make enquiries as in the letter dated 29.1.45 by the R.C.

The D.C's report shows that all the lands have all along been in the possession of the Vakkaligas managing the Choultry and that the Choultry Inam was never in force.

Submitted for final orders

sd/-
22/2/45

Hon'ble J.C.S.

This file seems to have travelled to me by mistake. Forwarded with Compliments to the Hon'ble for J.C.S. for H.O. disposal.

sd/-

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

****

Muzrai Review Petition No. 3 of 1943-44.

Petitioner:-
T.P.Parmeshwarappa,
Patel, Tyajavalli Village,
Kumsi Sub Taluk.

VS.

Respondent:-
Abdul Gafoor, Harnahalli Village, Kumsi Sub-Taluk.

Dood.
JAN 19 70
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Subject:- Disposal of S.No.85 of Tyajavalli Village endowed to the Choultry at the place.

Facts of the Case:-

The Choultry at Tyajavalli Village, Kumsi Sub Taluk, is endowed with the marginally noted dharmadaya inam lands for its up-keep as well as the maintenance of a tope and well attached to the institution. The Vahivatdar of the Choultry, who is the Patel of the Village, neglected the institution for a long period as a result of which the building became deteriorated, the well unfit for use and the tope was overgrown with lantana. As he took no interest even in the inam lands they became less fertile. Although the local officers issued notices to the Vahivatdar to improve the institution and its properties he did not take any action to set right the defects notices by them, as a consequence of which the building became unfit for occupation by travellers. Thereupon the local officers proposed that the Choultry might be declared as defunct and abolished, that the inam lands might be resumed and granted after cancelling their inam tenure, to the present Vahivatdar Parameshwarappa, for an upset price of Rs.511/2/- and that the tope and the well might be handed over to the Village Panchayet for an upset price of Rs.100/-. The Muzrai Commissioner having recommended, inter alia, the cancellation of the inam tenure of the lands and their disposal in public auction with an initial bid of Rs.500/- and the transfer of the realisations to the Chattram Savings Fund, Govt. Sanctioned this proposal in their order No. R.9801-5/ Muzrai-348-42-2, dated the 12th June 1943.

Sl.No.	Village.	S.No.	Class.	Area. A-G.	Assessment. R.	A.	P.	Jodi. R.	A.	P.
1.	Tyajavalli	30	Dry	2-05	0	8	0	6	2	0
2	"	85	Wet	7-29	27	0	0			
			Total:-	9-34	27	8	0	6	2	0

2. The Sub Division Officer, Shimoga Sub Division, accordingly held the sale of the lands on the 4th November 1943. No one

came forward to purchse the dry S.No.30, but the wet S.No.85 was knocked down to the highest bidder, Abdul Gafoor of Harnahalli for a sum of Rs.2000/-. The party credited a sum of Rs.2,281-4-0 towards the price of the land and cesses to the Taluk Treasury on the 18th November 1946.

In the meanwhile Parameshwarappa submitted petitions to Govt. and the Muzrai Commissioner praying for the grant of the two S.No. for Rs.600/-. Thereupon, Mahadevappa and Shivappa as well as some other residents of the village presented petitions urging the confirmation of the sale already ~~confirmed~~ held. One Nanjappa of the village offered an initial bid of Rs.2500/- and requested that the lands may be resold. The D.C. however, rejected Nanjappa's petition as the sale held by the S.D.O. after due publicity, was regular and confirmed the sale already held.

Against the above order of the D.C., Nanjappa preferred an appeal to the M.C. as a result of which further proceedings were stayed. Abdul Gafoor, the sale-purchaser, also submitted a petition to the D.C., praying that the land in question may be allowed in his possession as he had already spent some money over it. A report having been called for on all these petitions the S.D.O. states that there is very strong party feelings in the village , that the high bid received is partly due to the rivalry between the parties and partly due to the prevailing high prices of paddy, and that as the lands in question have been in the possession of Parameshwarappa and his ancestors for a considerable number of years, it would be fair if the wet land is granted to the party at an up-set price of Rs.200/- per acre or both the lands for a sum of Rs2000/-. The D.C. is of the opinion that as he had previously recommended the grant of these lands to Parameshwarappa for Rs.511-2-0 and as the present price of the lands as gone up on account of competition and the rise in the price of paddy, they may be granted to him at an unset price of Rs.1600/- in view of the fact that he was in possession of these lands for a long time and that consequently, he ~~might~~ have spent considerable money on them. The M.C. agrees with the D.C.

Under Secretary's Note:-

Under the circumstances explained ... the recommendation to grant the lands to the petitioner for a sum of Rs.1600/- may perhaps be approved.

The sale purchaser, Abdul Gaffoor, has alleged that he has spent Rs.100/- for improvements. This should be carefully investigated and if really he has spent any amount, the petitioner should pay the amount so ascertained.

General Secretary's Note:-

S.No.85, wet, measuring 7 A.-29 G. has fetched Rs.2000/- in the auction sale held after due notice to all parties interested. It is difficult to believe the story that the land is not worth this much and that the high price realised is due to the existence of party feeling in the village. Considering the present appreciation of land values it does not seem to be that the price realised is much in excess of the present market price. If the petitioner is willing to pay this sum the sale may be cancelled and S.No.85 as well as S.No.30 which is a dry piece of land may be confirmed in his favour. The dry land does not appear to be worth much. The auction purchaser has to be given some compensation. This may be fixed at 5% or Rs.100/-. The petitioner should agree to pay this in addition. There is no evidence that the auction purchaser has spent over Rs.100/- on the improvement of the land. (Any way it is better to hear the petitioner and the auction purchaser before passing orders).

******

O R D E R.

At the last hearing, it was represented by the counsel for the sale purchaser (counter petitioner) that in furtherance of confirmation of the sale, the latter was put in possession of the land and that he had also effected improvements and raised a sugar cane crop. Enquiries since made however reveal that although the lands were ordered to be resumed and sold in auction, Parameswarappa (petitioner) was not dispossessed and that he continued in possession even after the sale and that the counter petitioner Abdul Gaffoor

of the Chatram building at the Tyajavalli Kumsi Sub Taluk and the thope attached to it and their disposal in public auction by the Sub Division Officer with a starting bid of Rs.500/- (e) for the transfer of the chatram building, well and thope to the Village Panchayat after recovering a sum of Rs.146/- as an upset price, and the Government in their order No.R.9801-5/Muz.348-42-2 dated 12-3-43 have given the sanction to the recommendations of the Muzrai Commissioner. Further actions pursuant to the Government Order above referred to are being taken. The petitioner begs to state that as his ancestors have been Vaivatdars for nearly a century and the petitioner would be seriously inconvenienced and put to hardship the Benign Government may be pleased to confirm the lands in the name of the petitioner after recovering only an upset price. The petitioner is prepared to offer an upset price of Rs.600/- (Six Hundred) which is far in excess of the amount estimated as per villagers mahazar. The petitioner begs to submit that the circumstances that were prevailing at the time the Amildar and Sub Division Officer submitted their reports recommending the grant of the lands at an upset price as also the order of the Deputy Commissioner suggesting a grant at an upset price are still prevailing and there are no good reasons to offer the lands at a public auction with an initial bid of Rs.500/-. The petitioner is not interested in the disposal of the Chatram, well and thope. The petitioner therefore, humbly prays that the Government may be pleased to withdraw the order dated 12-3-43 recommending the public auction of Survey Nos.85 and 30 of Tyajavalli Village, Kumsi Sub Taluk and direct that the same may be confirmed on the petitioner at an upset price of Rs.300/- (Six Hundred only).

Bangalore,
Dated 9-10-1947.

Advocate for Petitioner.

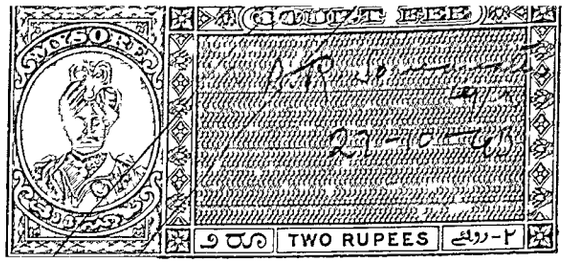
TWO RUPEES

No. Appl II 43-44 Office of the Muzrai Commissioner in Mysore,
Bangalore, 26 th August 1943.

Endorsement.

With reference to his petition dated 19th August 1943, praying that further proceedings be stayed in the matter of the disposalof the lands endowed to the chattram at Tyajavalli, Kumsi Sub Taluq, T. P. Parameswarappa, Patel, Tyajavalli, Kumsi Sub Taluq, (through his Counsel, Mr. G. Srinivasa Iyengar, B.A., LL.B., Advocate, Shimoga) is informed that, as action is being taken in accordance with the Government Orders, this office cannot interfere in the matter; and that he may approach Government, if he is so advised.

M. N.
for Muzrai Commissioner.



Before Court of His Highness the Maharaja

IN THE HIGH COURT OF MYSORE

Misc Pet No OF 1943 - 1944

Petitioner

T P Parameswara Vs.

Rappa

I the above-named Petr do hereby nominate and appoint **Mr. A. R. Somanath Iyer, B.A., LL.B., Advocate,** in the above suit and do hereby empower the said **Advocate** to appear for and on my behalf in the above suit, to take all steps which may be necessary on my behalf arising out of or in connection with the above suit either during progress or after its decision, to sign and subscribe his name to any document which he may deem proper, to execute any decree that may be passed in my favour and to receive out of the Court any refund of money which may be lodged or become payable or receivable on my behalf and on receipt thereof to grant receipt or other sufficient discharges for the same, to withdraw, compromise, or refer to arbitration, the said suit, to appoint one or more substitutes and to act and perform all other matters and things relating thereto or connected therewith, to represent me in matters relating to the same and to act as fully and effectually to all intents and purposes as I might do if personally present and did the same And I do hereby agree to pay all fees, costs, charges and expenses which may be incurred and to allow, ratify, confirm whatsoever the said **Advocate** shall lawfully do or cause or procure to be done by the virtue of these presents

In witness whereof I have hereunto set my hand this 21 day of Oct 1943

ACCEPTED

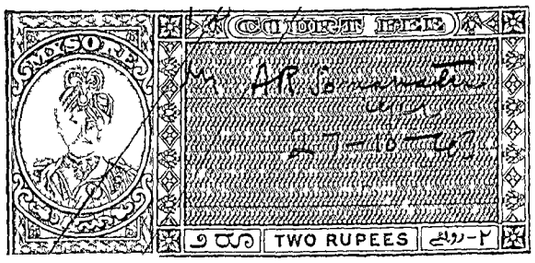
T P Parameswara Petr

Bangalore 27 10 43

A R Somanath Iyer

Advocate for Petr 27-10-43

Signed before me by the executant who is known to me



25 OCT 1943

Jamma 128-43-2 1823

Jamma 47-45-4.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

B A N G A L O R E.

Petitioner: T.P. Parameswarappa, Patel, Tyajavalli Village, Kumsi Sub Taluk.

The petitioner's ancestors were the Vaivatdars of the Dharmadhaya inam lands endowed to the local Chatram of Tyajavalli Village, Kumsi Sub Taluk. The Amildar on 14-2-39 recommended that the inam tenure may be cancelled and the lands comfirmed in the name of the present Vaivatdar, namely the petitioner on his paying a suitable upset price. The Deputy Commissioner called for a report and after the statement of the petitioner was recorded, a recommendation was sent up to the effect that an upset price may be recovered and the land made out in the name of the petitioner. The Muzrai Commissioner sought for the sanction of the Government for the cancellation of the inam tenure and for disposal of the lands. The Government by their order dated 12-6-43 have ordered the disposal of the lands in public auction with an initial bid of Rs.500/-. The petitioner has filed an application today setting out all the circumstances and praying that instead of a public auction the lands could be confirmed on him at an upset price as was under contemplation earlier. The petitioner is prepared to pay an upset price of Rs.600/- whereas the village mahazar estimated the value of the properties only at a sum of Rs.500/-. Ink the meanwhile the properties are advertised for sale

sale on 4-11-1943. The petitioner begs to submit that it is necessary in the interest of justice that the Government should be pleased to stay further proceedings by way of sale pending the hearing of the petition filed by him today. The petitioner approached for a stay of the proceedings the Muzrai Commissioner in Mysore and he has been given an endorsement to the effect that as the proceedings were taken in accordance with the Government Orders, the Office of the Muzrai Commissioner had no powers to issue an order of stay of further proceedings and this endorsement is dated 26-8-43. Therefore the petitioner has come up to this Hon'ble Court for a stay of further proceedings in regard to the sale and disposal of the lands endowed to the Chatram at Tyajavalli Village, Kunsi Sub Taluk and the petitioner prays for orders accordingly.

Bangalore,

Dated 29-10-1943.

Advocate for Petitioner.

2 Drafts
1

Appendix F G—1]

1 Copy.

SUBJECT... .....

.....

.....

Section Muzrai

File No. 128 43

Serial No. 3

No. R. 2512 / with Encl

To - The Muzrai Commissioner in Mysore

Bangalore.

Diary No. of letter replied to.....1822-3/R

General and Revenue Secretariat

(Muzr Section)

the 2nd November 1943.

Date of issue... 5—11—1943.....

Signed by. M. H. R. P.

Sir,

In forwarding herewith in original petition registered No. 1822/R—Muz. 128-43-1, dated the 29th October 1943, received from T.P. Parameshwarappa, Patel of Tyajavalli Village, Hirisavi Sub Taluk, praying for a reconsideration of G. O. No. R. 9801-5/Muz. 348-42-2, dated the 12th June 1943, directing inter alia, the disposal of S. Nos. 30 and 85 of ~~the~~ village endowed to the choultry there, and for the confirmation of the said ~~to him~~ lands at an upset price of Rs. 600/- (Six hundred) I am directed to request that a detailed report on all the points urged may be submitted with the connected records of your office and the subordinate offices ~~after orders at an early date.~~

I have, etc.,

for Dy. Secy. to Govt.

PT.O.

List of enclosures .. .. ..

2 Drafts
I

Section Mysore

1 Copy
No. R. 2503

File No 128-43

Serial No 4

Dated the 5th November 1943

ENDORSEMENT.

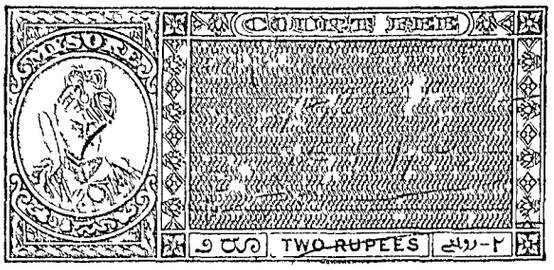
Granted to

Shri J.P. Parameshwarappa,
Patel, Iyajavalli Village, Kunsi
Sub Taluk, through his Counsel
Mr S.R. Somanatha Iyer, B.A., B.L.
Bangalore City.

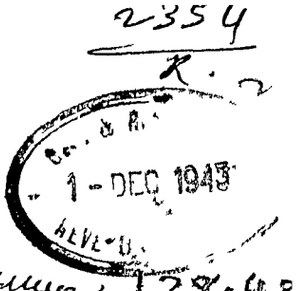
With reference to his petitions dated the 29th October 1943, praying that G.O. No. R. 9801-5/Mysr. 848-42-2 dated the 12th June 1943 directing the disposal in public auction of S. Nos. 30 and 85 of Iyajavalli Village endowed to the Choultry of the Village may be reconsidered and the lands conferred to him at an upset price of Rupees Six hundred and that pending orders the sale proceedings in respect of the lands may be stayed, the petitioner is informed that the question of reconsidering the G.O. is receiving attention and that his request regarding the issue of a stay order cannot be acceded to.

By Order,

Secy. to Govt



2354
K. 2



728.0

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE AT BANGALORE.

Muz. Pet. No. of 1943-44.

Petitioner:-

T. P. Parameshwarappa, Patel,
Tyajavalli, Kumsi Sub Taluk, Shimoga
District.

******

Reference:-

The grant of Survey Nos. 85 and 30
of Tyajavalli village at upset price.

*****

The petitioner abovenamed respectfully
begs to state as follows.-

1. That Re-Survey Nos. 85 and 30 of Tya-
javalli village are Dharmadaya Inam lands
endowed to the Local Chatram for its proper
maintenance and your petitioner's predecessors
were made vivatdars of that chatram by the
Government of His Highness the Raja of
Mysore. The same was continued through Inam
title deed granted on 12th January 1872.

2 That since time Pte. for over 100 years
the said lands are in uninterrupted possession
and enjoyment of your petitioner and his pre-
decessors in title.

3. But in these days of fast vehicular traffic travellors scaresely halt at that place and this added to heavy exposure of rain those parts for the major portion of the year and the age of the building being itself over 100 years is subjected to frequent repairs every year and your petitioner on this account has to spend annually as 40 to as 50/- for repairs which is really hardship for him a tell upon his slender resources.

4. That therefore your petitioner filed an application before the Deputy Commissioner, Shimoga District that for the reasons mentioned in para 3 of this petition your petitioner is willing to give up the vivatship of the Jhatram and the Survey Nos. 65 and 30 which are inam lands in view of that vivatshi be converted with equitable extent of the lands made over in lieu thereof.

5. The learned Deputy Commissioner accepted this request and held that if the petitioner is willing to pay the sum fixed by the Government, the lands may be made over to him in lieu of Survey No. 324.1 that your petitioner agreed to the said amount by the assessment of 6 acres.

6. [illegible] referred to the Deputy Commissioner to [illegible] Deputy Commissioner [illegible]

of the inam to the Government.

7. But the Government instead of ordering the grant on the basis of the upset price to the present holder, ordered public auction.

8. That before making such an order, the Government should at least consider the following facts

(a) whether the lands which fetched now as 2,000/- in the old is worth that amount at the time of grant.

(b) whether the petitioner or his predecessors in title had effected any improvement, so as to enhance the productiveness of the soil and the value of the land,

(c) that whether the present holder can be dispossed of the lands which was in the possession and enjoyment of your petitioner and his predecessors in title for over 100 years. ill not this amount to the infringment of petitioner's civil rights,

(d) that in this connection your petitioner submits that improvements to the value of over s 1,000/- has been made over it,

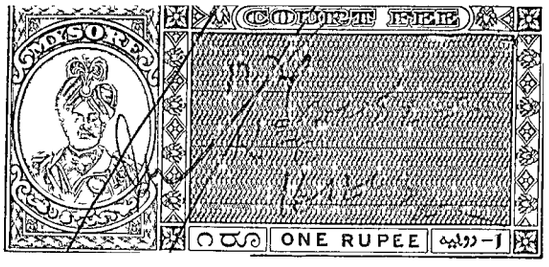
(e) that will not this order amounts to confiscation of the petitioner's property and that whether such drastic step is necessary under the circumstances.

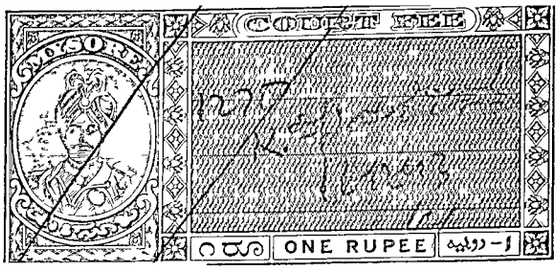
9. That therefore your petitioner immediately applied to Huzrai Commissioner to reconsider his case and stay the sale. But he got an order from him to the effect that since the sale is on a Government - order he cannot interfere. The sale was also effected on 4th November 1943 and the bid amount is s 2,000/-.

10. Under these circumstances, your petitioner most respectfully requests that the Government be pleased to cancel the sale and receive of your petitioner' upset price and make over those lands in his favour and stay confirmation of sale till the dis osal of this petition.

Bangalore City,
15 Dec. 1943.

Advocate-
Petitioner.





2658
R

To,

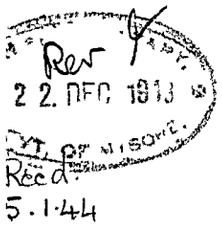
23 DEC. 1943

The Chief Secretary
to the Government of Mysore
Bangalore.

HUMBLE PETITION OF RESIDENTS OF TYAJAVALLI VILLAGE KUMSI SUB TALUK (SHIMOGA DISTRICT).

Mud. 128-43-7.

Most Esteemed Sir,



SUBJECT:- Disposal of S.No.85(7 Acres & 29 Guntas) Wet land, of Tyajavalli.

" of Choultry, of Tyajavalli.

We in one voice humbly and most respectfully beg your leave to bring to your kind notice the following few facts for just disposal of the matter , as we are given to understand that the above matter has been placed by one T.P. Paramaswarappa, Patel of Tyajavalli, as an appeal against the order of the Sub-Division Officer who held the sale of the said Survey Number and who in due course of his proceedings recommended to the Deputy Commissioner for - entrusting the above choultry to Village Panchayet of Tyajavalli, and as per orders of the Deputy Commissioner the said Choultry has been taken possession of by the said Village Panchayet.

1) Many years ago The Choultry was handed over in very good condition to the hands of the said patel (actually his predecessors in Patel office) T.P. Paramaswarappa/by the benign Government and for its maintenance for the use of the Officers who halt there during their circuit, that Patel was granted the above Survey Number 85. The enjoyment of the said survey number by the said Patel was subject to proper maintenance of the choultry. This was a condition precedent. The

said patel ever since he took possession of the choultry neglected even current periodical repairs to the choultry and now that choultry is ... or less a mere site and the whole building is dilapidated and has come down to ground. But continuously the patel reaped the benefits of the land by getting annual crop of 100 pallas of paddy. For having such a huge benefit of yearly heavy crop he violated the very condition prededent by neglecting the choultry.

2) This was brought to the notice of the authorities and the authorities having satisfied that the said patel deserves no sympathy dispossessed him from that choultry which automatically deprived his right to that S.No.85 and the said land was put to auction. In the auction it fetched good price of 2000/- and odd. In this connection we beg to point out that before auction the said patel was allowed a chance to obtain the land for an upset price of Rs.500/- Even this concession he did not deserve for the folly of violating the very condition precedent; but though out of the way he was granted that concession he did not make use of it and failed to deposit the amount and hence it resulted in t is auction which fetched Rs.2000/- and odd. Before this sale could be confirmed the matter has been taken by him to your honour praying that he may be given the land at an upset price and for cancellation of the sale.

3) There are no grounds valid to setaside the sale as it has been properly conducted. In one voice we unanimously setforth our humble prayer that the said patel do not deserve any concession and he ought not to get the land for an upset price.

We therefore humbly and most respectfully pray that your honour may be graciously pleased

to

confirm the sale that has now taken place as that patel's family neglected from the beginning the care of the choultry, the patel T.P.Parameswar Gda's request for granting the land on upset price ought to fail; and in any event of your honour holding that this sale is to be setaside then atleast fresh sale/after notifying be ordered that Rs.2000/- and odd the present sale amount as the the Ist bid of Abdul Goffoor Sab who is the person that is the successful bidder in the present sale whose cause we have so far supported as against the patel.

We beg to remain,
Most Esteemed Sir,
Yours obediently,

Dated.

Appendix F (G—1]

SUBJECT Review Petition of T.P. Parameshwarappa Patel of Iyjavalli Village Kunsi Sub Taluk, regarding the disposal of S.Nos 30 and 35 of the Village at an upset price.

Section Mwzrai

File No. 128-43

Serial No. 6

Diary No. of letter replied to 2354/R

No. R. 3571 /Encl. one.

To - The Mwzrai Commissioner in Mysore, Bangalore.

General and Revenue Secretariat

(Mwz. Section)

the 15th December 1943.

Sir,

In continuation of this office letter No R. 2502 Mwz. 128-43-3, dated the 5th November 1943, on the above subject, I am directed to forward herewith for reference and return another petition received from Parameshwarappa, praying for reasons stated therein that the lands in question may be conferred to him at the upset price already offered by him, and to request that the report called for may be submitted early, incorporating any new points in the present petition

Date of issue 23/XII/43

Signed by Mr SKV Iyer

List of enclosures

Copied by

Examined by

I have, etc.

for Addl Secy. to Govt.

Subject:- Review Petition of T. P. Parameshwarappa, Tyajavalli Kumsi & [illegible] Taluk, [illegible] Survey No. 85 of the Village enclosed to the Circuit [illegible]

Section Muzrai File No. 128-43 Serial No 8

No R. 10 — / Dated the 10 January 1944
Encl one.

To — The Muzrai Commissioner in Mysore, Bangalore.

Sir,

I am directed to forward herewith, in continuation of this office letter No. R 3571/Muz. 128-43-6, dated the 23rd December 1943, on the above subject, a petition received from Mahadevappa and other residents of Tyajavalli, praying that the sale of the land in question conducted by the S.D.O in which more than Rs. 2000/- were realised may be confirmed and that in case the sale is set aside, a fresh sale may, with the amount now realised as the first bid, be ordered to be held, and to request that the report called for may be expedited your opinion on the points urged in the present petion (which may be returned with your reply) may also be furnished

I have, Etc.,

For Addl Secy to Govt

No.Pl.141/43-44 Office of the Muzrai Commissioner in Mysore,
Bangalore, 19th April 1944.

From

Rajasevaprasakta
M. Seshadri, Esq., M.A.,
Muzrai Commissioner in Mysore.

G.S. & REV. SECTT.
24 APR. 1944
REVL

To

K. Subba Rao, Esq., B.A.,
General Secretary to the Government of Mysore,
BANGALORE.

Sir,

Re. the disposal of S.Nos.30 and 85, of Tyajavalli, endowed to the chattram at Tyajavalli, Kumsi Sub Taluq.

With reference to your letters No.R.2502/Muz.128-43-3 dated 5th November 1943, and No.R.3571/Muz.128-43-6 dated 23rd December 1943, forwarding, for report, petitions from T. P. Parameswarappa, Patel of Tyajavalli, praying for the confirmation of the above lands to him, for an upset price of Rs 600, I have the honor to invite kind reference to G.O.No.R.9801-5/Muz.348-42-2 dated 12th June 1943, sanctioning, among other things, the cancellation of the inam tenure of the lands noted above, and their disposal, in public auction, by the Sub Divisional Officer, with a starting bid of Rs 500; and to state as follows.

2) The sale of the said lands (S.Nos.30 and 35, of Tyajavalli) was, accordingly, held by the Sub Division Officer, Shimoga, on 4th November 1943, and S.No.85 wet (7-29) was knocked down to Abdul Gaffoor, the highest bidder, for Rs 2,000, and the same, together with cesses, was credited to the treasury. The other S.No.30 (dry) is stated to have not fetched any bid.

3) Thereupon, T. P. Parameswarappa submitted petitions to Government and also to this office, praying for the grant of the lands to him for an upset price of Rs 600, in view of the fact that they have been in the possession of himself and his forefathers for a long time, and that they have effected improvements to them at great cost. He also petitioned, praying for the grant of the chattram, well, and tope, for Rs 146.

4) Mahadevappa, Shivappa, and certain other residents, of Tyajavalli, petitioned the Chief Secretary to Government, and also the Muzrai Commissioner, praying that the lands in question might not be given to Patel Parameswarappa, and that the sale already held might be confirmed (vide Additional Secretary's letter No. R.4045 dated 15th January 1944).

5) In the meantime, H. P. Nanjappa, of Tyajavalli, presented a petition to the Deputy Commissioner, Shimoga District, stating that he would offer an initial bid of Rs 2,500, and praying that the lands might be resold. The local officers recommended to the Deputy Commissioner ——— confirmation of the sale already held. The Deputy Commissioner, thereupon, dismissed the petition of Nanjappa, and confirmed the sale, as it was regularly held by the Sub Division Officer, after wide publication. Nanjappa has appealed to this office, praying for cancellation of the Deputy Commissioner's order and for resale of the lands and for staying further proceedings till his petition is disposed of. On this petition, the Deputy Commissioner has been requested to stay further action.

6) These petitions were sent to the Deputy Commissioner, for report. Abdul Gaffoor, the sale-purchaser, also petitioned the Deputy Commissioner, stating that he had spent about Rs 100 over the lands, and that he might not be disturbed from its possession, as he would be hit hard thereby. In reply, the Sub Division Officer, in his report No.R3-C.158-53/43-44 dated 13th March 1944, states that there is very strong party feeling between Patel Parameswarappa and the villagers, and that the reason for such a high bid as Rs 2000 is, partly, due to party feeling and, partly, due to high prices of paddy, prevailing in the market. The Sub Division Officer adds that Parameswarappa, and his ancestors have been in possession of the lands for a considerable number of years, and that it would be fair and reasonable if the wet land were to be given to Parameswarappa at an upset price of Rs 200 per acre or the entire land for a sum of Rs 2000, which is the highest bid amount secured in the open sale. The Deputy Commissioner states, in his letter No.Muz.C.2145/43-44 dated 30th March 1944, that he agrees with the Sub Division Officer, in his

valuation at Rs 200 per acre, , and that, as the S.No.30 (dry) has not fetched any bid, it may be considered to be ~~unfix~~ unimportant for purposes of valuation. The Deputy Commissioner invites reference to his previous letter No.Nuz.C.154/42-43 dated 16th March 1943 (a copy of which was sent to ~~the~~ Government, with this office letter No.C1462/42-43 dated 30th April 1943), wherein he recommended that the lands might be given over to Parameswarappa for an upset price of Rs 511-2-0. The Deputy Commissioner adds that the entire lands would be worth about Rs 1500, and that the increase over this amount may be considered to be due to abnormal rise in the price of paddy and unhealthy competition. Considering the fact that the lands have, all along, been in possession of the family of Parameswarappa, and that considerable outlay might have been ~~increased~~ incurred by him, the Deputy Commissioner opines that some preference should be shown to Parameswarappa, and recommends, therefore, that both the lands (S.Nos. 85 and 30) may be granted to him for an upset price of Rs 1600.

7) As regards the prayer of Parameswarappa, for the grant of chattram building, well, and tope, the Deputy Commissioner is of opinion that the question may be deferred till the question of handing them over to the Village Panchayet is, finally, settled.

Para 4 & Flag B

8) I agree ~~with~~ to the proposals of the Deputy Commissioner, and request that sanction of Government may, kindly, be accorded to them.

9) The connected file of records and the petitions referred to above, are, herewith, sent for reference and return when done with.

I have the honor to be,

Sir,

Your most obedient servant,

V P L Chandra Rau

Rural Commissioner.

Letter No.Muz.C.2145/43-44 dated 30th March 1944 from the Deputy Commissioner, Shimoga District, to the Muzrai Commissioner in Mysore.

Subject:- The disposal of the lands endowed to the Chattram at Tyajavalli in Kumsi Sub Taluk.

With reference to your letter No.Pl.141/43-44 dated 15th February 194/ on the above subject, I have the honor to state as follows:-

1. The Sub Division Officer, Shimoga, has reported that the lands in the public auction held on 4-11-1943, S.No.85, fetched Rs 2000 and that it is partly due to the abnormal rise in the price of paddy and partly due to the unhealthy competition due to the existing party feeling in the village. The Sub Division Officer, Shimoga is of opinion that the land is worth about Rs 200 per acre. As the Survey No.30 has not fetched any amount, the land may be considered to be unimportant for purposes of valuation. The entire lands would therefore be worth about Rs 1500 and the increase over this amount may be considered to be due to other causes mentioned above. The Sub Division Officer recommends that in view of the fact that the petitioner is in possession of the lands from the time of his ancestor, the lands may be confirmed to them for a sum of Rs 2000.

2. Regarding the petitioner's request for the cancellation of the sale of Survey No.85, I may state that the lands have been sold as per orders of Government No.R.9801-5/Muz.348-42-2 dated 12th June 1942. However, I invite your kind reference to my letter No.Muz.C154/42-43 dated 18-3-1943, wherein I have already recommended that the lands may be given over to Mr. Parameswarappa after recovering an upset price of Rs 511-2-0. Considering the fact that the lands have all along been in possession of the petitioner's family and that considerable outlay might have been incurred by him, I am of opinion that some preference should be shown to the petitioner and at least the lands should be granted to him.

3. I would therefore recommend that the lands (both S.No.85 and S.No.30 may be granted to the petitioner, Mr. Parameswarappa. Regarding the upset price leviable, I agree with the Sub Division Officer's present valuation at Rs 200 per acre and suggest that a round sum of Rs 1600 may be fixed as upset price for both the lands in question

4. Regarding the prayer of the petitioner for the grant of Chattram lands, dilapidated buildings and the thope, the question may be deferred till the question of handing them over to the Village Panchayet is finally settled.

5. The entire file of records with the petitions received from Mr. Parameswarappa are enclosed. Two more petitions received from the sale purchaser requesting to remain in possession of the lands are also enclosed.

"Copy"

M. N. Ramachandra

For Puzrai Commissioner.

To,

The Deputy Amildar

Kumsi Sub Dist

Kumsi

Sir,

I beg to enclose herewith the two summons served on Parameshwar alias Patel Thyagi's valley and Abdul Gaffor Sab Hanamahalli for favour of kind perusal

I beg to remain,

Sir

Your most obedient Servt

K Bodhanayakar

Sht R.S. Dt 17/4/45

P.S. 71

Respectfully submitted

ನೋಟೀಸ್.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮ ಮಹಾರಾಜರವರ ಗೌರ್ನಮೆಂಟ್ ಜನರಲ್
ಸೆಕ್ರಟೆರಿಯವರ ಆಫೀಸಿನಿಂದ

1943 —1944 ನೇ ಇಸವಿಯ ಮುಜರಾಯಿ ಅಪೀಲು ನಂಬರು..... .....

ಪಾಡಿಗಾರ ಪ್ರತಿವಾದಿ.

ವಿಷಯ.

ಮೇಲೆ ಕಂಡ [illegible]

ಮುಜರಾಯಿ ಕಮೀಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ ಮೇಲ್ಕಂಡ ಅಪೀಲು 194 ನೇ ಇಸವಿ ಫೆ. ನೇ ತಾರೀಖು.....ದಿವಸ ಬೆಂಗಳೂರು ಮೇಕ್ಯಾಂನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವುದರಿಂದ, ಆ ದಿವಸ ಮಧ್ಯಾಹ್ನ ಗಂಟೆಗೆ ನೀವು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗಬೇಕು

ಆ ತಾರೀಖು ನೇ ಮಾಹೆ 194 ಇಸವಿ.

ಮೊಕ್ಕಾಂ ಬಂಗಳೂರು.

By Order,
T. V. Narasimhachar
For Secretary to Govt.,
General (Muzrai) Dept.

WL 0565 — G1 B— 1,000— 28-2-40

ಅನ್ಯಾಯ ಮತ್ತು ತಪ್ಪಿನಿಂದ ನನ್ನನ್ನು ಬಿಡುಗಡೆ ಮಾಡಬೇಕಾಗಿ ಪ್ರಾರ್ಥನೆ

N. Abdul gaffar. 14-1-45

Spl Regn 26-2/44-45

The Summon has been duly served on the party and the original is here with submitted herewith with ment of the party as above.

Thirumalacharlu
Spl RD S/c Harihar

ನೋಟೀಸ್.

ಮೈಸೂರು ಸಂಸ್ಥಾನದ ಶ್ರೀಮತ್ ಮಹಾರಾಜರವರ "ಗೌರ್ನಮೆಂಟ್ ಜನರಲ್"
ಸೆಕ್ರಿಟೆರಿಯವರ ಆಫೀಸಿನಿಂದ

1943 —1944 ನೇ ಇಸವಿಯ ಮುಜರಾಯಿ ಅಪೀಲು ನಂಬರು..... .....

ಪ್ರತಿವಾದಿ.

ವಿಷಯ.

ಮೇಲೆ ಕಂಡ ಅಪೀಲು

ಮುಜರಾಯಿ ಕಮಿಷನರವರ ಹುಕುಮಿನ ಮೇಲೆ ದಾಖಲುಮಾಡಿ ಇರುವ ಮೇಲ್ಕಂಡ ಅಪೀಲು 194 ನೇ ಇಸವಿ ನೇ ತಾರೀಖು.....ದಿವಸ ಬೆಂಗಳೂರು ಮೊಕ್ಕಾಮಿನಲ್ಲಿ ವಿಚಾರಣೆ ಮಾಡಲ್ಪಡುವುದರಿಂದ, ಆ ದಿವಸ ಮಧ್ಯಾಹ್ನ ಗಂಟೆಗೆ ನೀವು ಈ ಕಚೇರಿಗೆ ಹಾಜರಾಗಬೇಕು

ಬ ತಾರೀಖು ನೇ ಮಾಹೆ 194 ಇಸವಿ.

ಮೊಕ್ಕಾಂ ಬಂಗಳೂರು.

By Order,
T. V. Narasimhachar
For Secretary to Govt.,
General (Muzrai) Dept.

W1) (5652—GPB—1(00—28-2-40

ತಹಸೀಲ್ದಾರರ ದಪ್ತರು ಕೈಗಿದು ಕೊಂಡಿರುತ್ತದೆ

Spl Rev C.26-2/46-45
Submitted after Service

I. P. Ramaswamappa Patel
Date 16-1-45

KBodharayachar
Spl RI of Harnahalli

R3763

Encl 3

Muzrai 128-43-10

for the Govt of His Highness
the Maharaja of Mysore,
B'lore

Writ Petn No 3 of 43-44.

Petr vs Respts.

Parameshwara ~~[illegible]~~ Abdul Saffoor.

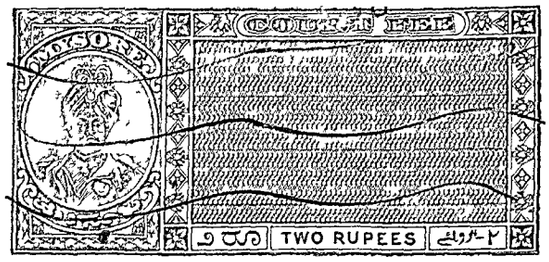
The respondent craves leave to file the lease-deeds executed on 18/2/44 by Ali Saheb and Pujari Siddappa in respect of the land in question in the above review petition.

He also craves leave to file the endorsement granted by the Muzrai Commissioner on 19/4/44

B'lore
22/1/45.

A. Venkatasubbiah
Advt for respt

3 Documents produced with this application returned to Sk Syed Hussain on 20.7.45 Vide his application and orders thereon of that date - Last sheet in the file



In the Court of the General and Revenue Secretariat
Mysore & **BANGALORE.**
Mysore Reference
or Regular Appeal No. 3 of 1943-44.

Plaintiff	Defendent
Petitioner	Opponent
Appellant	Respondent
T. B. Parameswaraiya.	Abdul Gafoor.
Vs	Power of attorney Holder
	K. Syed Hassien.

I/~~We~~ the Respondent above-named, do hereby appoint and retain Mr. S. K. Venkatarangaiegar, B A , LL.B , Advocate to appear for me/~~us~~ in the above suit proceeding, petition or appeal, and to conduct and prosecute or defend the same and all proceedings that may be taken in respect of any application for execution of any decree or order passed therein I/~~We~~ empower my/~~our~~ Advocate to appear in all miscellaneous proceedings in the suit or matter till all decrees or orders are fully satisfied or adjusted, to obtain the return of documents, draw any moneys that may be payable to me/~~us~~ in the said suit, or matter, withdraw, compromise or refer to arbitration the suit, and take all other steps that he may deem proper in the matter. And I/~~we~~ undertake to ratify and confirm all legal acts done or caused to be done, and to pay all fees, costs, charges and expenses which may be incurred by my/~~our~~ said Advocate in the case by virtue of these presents.

In witness whereof I/~~we~~ have hereunder set my/~~our~~ hand this 8 day July 1944

Accepted

S. Venkatarangaiegar

(Sd) K. Syed Hassien

Advocate

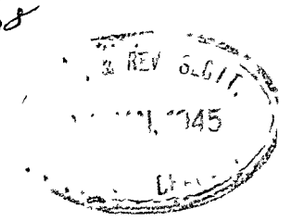
for Respdt

Signed by the executant
in my presence

S. Venkata

Indian Press, Bangalore City.

R 3760



Muzrai 128-43-11.

Before the Government of His Highness the Maharaja of Mysore at Bangalore.

Muzrai Revenue Petition No. 3 of 43-44

.P. Parameswarappa, Patel, Tyajavalli, Kumsi Sub-Taluk	:	Petitioner
	v s	
Abdul Jaffoor Sab, Harinahalli, Kumsi Sub-Taluk	:	Respondent

M e m o.

The counsel for the appellant hereby submits that the case cited by him in support of the case of the petitioner above-mentioned during the course of the arguments on 3-1-1945 is reported in 41 Mysore High Court Report at page 391 et. seq.

Bangalore City,
Dated 3-1-1945

Advocate for petitioner.

Section Mysore No. R. 5177

File No. 128-43 Encls. nil

Serial No. 12 Dated the 27th January 1945.

To. The Mysore Commissioner in Mys, Bangalore.

Sir,

Subject:- Disposal of S No. 85 endowed to the Choultry at Tyajavalli Village, Tumsi Sub-Taluk.

—x—

Adverting to the correspondence ending with your letter No. P.1-C141/43-44, dated the 19th April 1944, on the above subject, I am directed to state that information on the following points may be obtained and furnished with the records relating to the appeal filed by T.P. Parameshwarappa or Abdul Gaffoor, before the Revenue Commissioner and any further records bearing on the case which may be available in your office.

(I) Whether the two S Nos, viz, 30 and 85, of Tyajavalli were formally resumed from the possession of Parameshwarappa before they were notified for sale and, if so, when?

(II) If they were not so resumed, till what date they continued in possession of Parameshwarappa?

(III) When was S No 85 transferred to the possession of Abdul Gaffoor and how long did he continue to be in possession?

(IV) Whether Sugar cane has been planted in the entire S No. by Abdul Gaffoor and if so, whether the crop has been removed or not and by whom?

(V) Whether the S No has been restored to the possession of the latter, and if so when?

(VI) Who is in actual possession of the land at present?

2. The matter may be treated as urgent.

Memo No. R. 5178 Dated 27th January 1945

Copy W.C. to the D.C., Shimoga Dest for information and necessary action.

Copy to the Dy. Amildar, Tumsi Sub-Taluk for immediate report through the D.C. a copy of this report being sent to the office direct.

I have etc,

For Gen Secy to Govt.

For Gen Secy. to Govt.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

Dated Bangalore, 29-1-45

No. R5177

Revenue 129. 46. 12

F.....

The Secretary to the Government of His Highness the Maharaja of Mysore,

General Department.

To

The Inspector General of Commissioner in Mysore.

Sir,

Subject:- Disposal of S. No.85 endowed to the Choultry at Tyajavalli village, Kunsi Sub Taluk.

Adverting to the correspondence ending with your letter No. 1.C.141/43-44 dated the 19th April 1944, on the above subject, I am directed to state that information on the following points may be obtained and furnished with the records relating to the appeal filed by T.S.Parameswarappa or Abdul Gaffoor, before the Revenue Commissioner and any further records bearing on the case which may available in your Office:-

(i) Whether the two S.Nos.viz., 30 & 85 of Tyajavalli were formally resumed and taken actual possession of before they were notified for sale and if so, when?

(ii) If they were not so taken possession of did they continue in possession of Parameswarappa, and if so, up to what date?

(iii) Was Abdul Gaffoor put in actual possession of S.No. 85 and if so, When, and up to what date did he retain possession?

(iv) Who is in actual possession of the land and from what date?

2. The matter may be treated as urgent.

I have the honour to be,
Sir,
Your most obedient servant,

(Sd) P.Suryanarayana Setty,
Secretary to Government,
General Department.

Memo No R 5778 Encl: files

Dated the 29th January 1975

Copy is forwarded with compliments to the Deputy Commissioner, Shimoga District, for information and necessary action.

Copy is forwarded to the ~~Deputy Amildar, Kumsi Sub-Taluk,~~ ~~for immediate report through~~ the Deputy Commissioner, a copy of his report being submitted to this office direct.

By Order,

29/1

For General Secretary

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat,

Dated Bangalore, ...

No.

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore,

General Department.

To

The Muzrai Commissioner in Mysore,
Bangalore.

Sir,

Subject:- Disposal of S. o.85 endowed to the Choultry at Tyajavalli Village, Kursi Taluk.

Adverting to the correspondence ending with your letter No.M.C.141/43-44 dated the 19th April 1944, on the above subject, I am directed to state that information on the following points may be obtained and furnished with the records relating to the appeal filed by T.T.Parameswarappa or Abdul Gaffoor, before the Revenue Commissioner and any further records bearing on the case which are available in your Office:-

(i) Whether the two S.Nos.viz., SO & 85 of Tyajavalli were formally resumed and taken actual possession of before they were notified for sale and if so, when?

(ii) If they were not so taken possession of, did they come in possession of Parameswarappa, and if so, up to what date?

(iii) Was Abdul Gaffoor put in actual possession of S. o. 85 and if so, when, and up to what date did he retain possession?

(iv) Who is now in actual possession of the land and from what date?

2. The matter may be treated as urgent.

I have the honour to be,

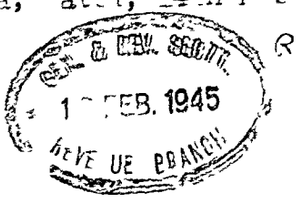
Sir,

Your most obedient servant,

Under Secretary to Government,

No.Muz.C.2145/43.
Enc one

Office of the Deputy Commissioner,
Shimoga, dated, 14th February 1945.



R4088.

To

The General Secretary to the
Government of Mysore,
Bangalore.

Sir,

With reference to your reminder No. [illegible] dated 12-2-45, calling for report regarding the appeal of T.L.Parameshwarappa, dated 7th of Tyajavally, in Kumsi Sub Taluk, the matter of disposal of S.L.C.85 enclosed to the Choultry at the place, I have the honour to state that a reply with the connected records have been sent to the Deputy Commissioner Bangalore, in the matter to-day. A copy of the reply sent to the Muzrai Commissioner is also enclosed for reference.

I have the honour to be,
Sir,
Your most obedient servant,

for Deputy Commissioner,
Shimoga District.

GOVERNMENT OF MYSORE

OFFICE OF
The Deputy Commissioner,
Shimoga District,
S h i m o g a.
Date 14th February 1945.

No. Muz.C.2145/43-44
Encls. Two Files.

To

The Muzrai Commissioner,
in Mysore,
B a n g a l o r e.

Sir,

Subject:-Disposal of S.Nos.30 and 85 of Tyajavally village-Kumsi sub Taluk endowed to the Choultry at Tyajavally-Kumsi Sub Taluk.

With reference to your memo No.P1.141 of 43-44 dated 30th January 1945 on the above subject, I have the honour to s tate as follows on the points raised by the Secretary, General Department:-

1) The Deputy Amildar, Kumsi reports that the sale was ordered by the Sub Division Officer, Shimoga and that formal resumption of S.Nos. 30 and 85 in question was not made to actual possession taken.

2) The lands continued/in possession ov Parameshwarappa the to be petitioner Vahivatdars even after they were sold by the Sub Division Officer and theyare even now in the possession of Parameshwarappa.

3) Abdul Gaffar, the purcahser of S.No.85 in the sale was not at all put in possession of the land.

4)
4) Parameshwarappa, the petitioner is reported to be now in actual possession of the land and it is in his ancestors possession as Mahivatdars ever since the grant was made.

The entire files of correspondence receiced from the Deputy Amildar, Kumsi, with his No.Muz.C.9/3637 dated 6-2-45 are herewith sent for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

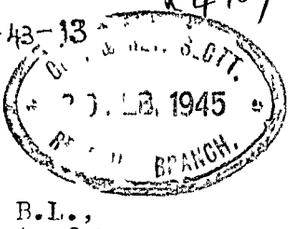
For Deputy Commissioner

P.141/43-44 OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,
3+2cr

Bangalore, ..16th ..February..... .1945 .

R 4109

Muzrai. 128-43-13



..a jasevaprasakta
M. Seshadri, Esq., M.A.,
~~The~~ *Muzrai Commissioner in Mysore.*

P. Suryanarayana Setti, Esq., B.A., B.L.,
General Secretary to the Government of Mysore,
Bangalore.

2.

Disposal of S.No.85 endowed to the choultry at Tyagavalli Village, Kumsi Sub Taluq.

Adverting to your letter No.R.5177 dated 29th January '45 on the subject, I have the honor to forward herewith, for reference, a copy of letter No.Muz.C.2145/43-44 dated 14th February 1945 from the Deputy Commissioner, Shimoga District, and also the connected records received from him; and to state that the letter furnishes replies to all the points raised in your letter referred to above.

I have the honor to be,
Sir,
Your most obedient servant,

Senior
Assistant Commissioner
For Muzrai Commissioner.
(Absent from headquarters)

GOVERNMENT OF MYSORE

OFFICE OF
The Deputy Commissioner,
Shimoga District,
S h i m o g a.
Date 14th February 1945.

No. Muz.C.2145/43-44
Encls. ~~Two~~ Files.

To

The Muzrai Commissioner,
in Mysore,
B a n g a l o r e.

Sir,

Subject:-Disposal of S.Nos.30 and 85 of Tyajavally village-Kumsi sub Taluk endowed to the Choultry at Tyajavally-Kumsi Sub Taluk.

With reference to your memo No.P1.141 of 43-44 dated 30th January 1945 on the above subject, I have the honour to state as follows on the points raised by the Secretary, General Department:-

1) The Deputy Amildar, Kumsi reports that the sale was ordered by the Sub Division Officer, Shimoga and that formal resumption of S.Nos. 30 and 85 in question was not made to actual possession taken.

2) The lands continued/to be in possession ov Parameshwarappa the petitioner Vahivatdars even after they were sold by the Sub Division Officer and theyare even now in the possession of Parameshwarappa.

3) Abdul Gaffar, the purcahser of S.No.85 in the sale was not at all put in possession of the land.

4)
4) Parameshwarappa, the petitioner is reported to be now in actual possession of the land and it is in his ancestors possession as Mahivatdars ever since the grant was made.

The entire files of correspondence received from the Deputy Amildar, Kumsi, with his No.Muz.C.9/3637 dated 6-2-45 are herewith sent for reference and return.

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner

4109/R/4243/R.

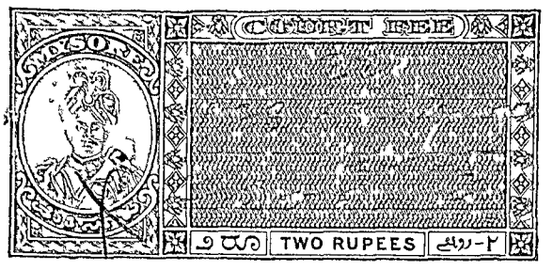
rai File No. 128 of 1943-44.

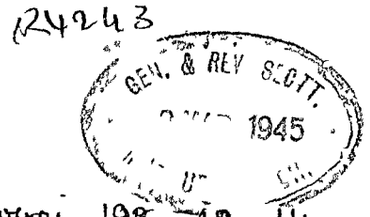
rai Review Petition No. 3 of 1943-44.
Re: disposal of S.No. 85 of Tyajavalli. Kumsi Sub Th.

'Petition dated nil (recd on 2.3.45) from Abdul Gaffoor through his counsel, furnishing answers to the contention of the petitioner in the above case, (V.P Parameshwarappa) and stating that as the present Ay; Amildar of Kumsi is a relative of Parameshwarappa, he has furnished information to Govt. re: the possession of S.No. 85 of Tyajavalli which is opposed to facts. and praying that his answers may be taken into Consideration before passing orders, if necessary, after a fresh hearing of the parties.

The main file has been subd. to the Minister on 23.2.45 and it is not available in the office. This may, as directed by the Under Secretary, be sent to the P.A to the Minister for being placed in the r.i. file for the consideration and orders of the Minister

P.A to the Minister for F & C.S





12243

Mysore 1948-49-14

HIGHNESS THE MAHARAJA OF MYSORE,

BANGALORE.

Review Petition No. 3 ~~12~~ 13-14.

Petitioner.		Respondent.
Maheswarappa	-VS-	Abdul Gafoor by Agent Sayed Hussain.

The respondent abovenamed begs to submit as follows:

1. That at the hearing of the above petition several representations were made of fact and law to wit:—

i) that the petitioner did not own any lands;

ii) that the case quoted for the respondent that unless the statute provided for a review there was no inherent power vested to review, had been dissented from in any later decisions of the Mysore High Court and (iii) that possession was with the petitioner.

2. The respondent in dis-proof of the first contention herewith tenders an extract from the index of lands to show that the petitioner is the owner of number of lands and pays assessment to the extent of Rs. 130/- and odd.

3. The respondent submits that as regards the second contention there has been no support and there is no subsequent decision of the Mysore High Court dissenting from the view stated in 39 Mys H.C Rep 942.

4. That as regards the third contention though it was submitted at the hearing that the present Amildar of Kumsi Taluk was interested in the petition as his relation and was taking keen interest, the question relating to possession continuing in the petitioner is the respondent learns was referred to him and that he

has reported on that reference that possession continued to remain with the petitioner. The respondent submits that this is opposed to facts x in that not only did the respondent got the stay order before the Revenue Commissioner modified he also got the lands cultivated by his Wara tenants whose lease deeds has already submitted before the Hon'ble Government.

5. The respondent respectifully submits that the above submissions may be taken into consideration before final orders passed, if need be after a fresh hearing of the parties.

Advocate for Respondent.

Abdul Gaffoor.
Respondent. Syed Hussain

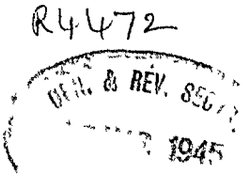
I, the respondent abovenamed do hereby declare that ~~xxx~~ what is stated above is true to the best of my knowledge and belief.

Abdul Gaffoor
by Syed Hussain
Respondent.

Bangalore,
Feb. 1945.

Joint Secretary

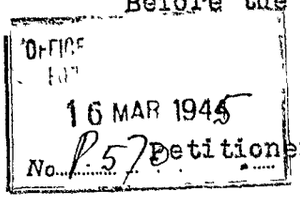
R4472



First

Before the Hon'ble/Minister (~~Xxx~~Mxxxx)Govt. of Mysore,
Bangalore.

Muzrai - 128-43-15



Petitioners:- 1. Abdul Gaffoors-b son of Noor Ahmed-Sab.
2. K. Syed Huss insab son of Hussainsab.
Residents of Mariahalli, Kumsi Sub-Taluk, Shimoga District.

Rev

17/3/44

Petitioners most humbly and respectfully beg to submit as follows:-

1. On 4-11-43 the learned Sub-Division Officer and Amildar of Kumsi Sub Taluk held a Public Auction of he.Survey No.85 of Tyajavalli village, Kumsi Sub Taluk, Shimoga District. In fact the said s.survey originally was connected with the Choultry Inam of Tyajavalli. After the cancellation of the Inam and after the said land was resumed to Government, the said sale was held on 4-11-43 in which the Ist petitioner was the successful bidder (In the Malik Haraju) for Rs.2000/- and thereafter the Ist petitioner credited a sum of Rs.2281-4-0 before the Amildar Kumsi Sub-Taluk (Rs.2000/- sale amount and the balance towards Fund etc.) and the same has been taken to account in L.R.C.No.4/18-11-43 at Kumsi Sub-Taluk office.

2. At the time of the said public sale, T.P. Parameswarappa of Tyajavalli who was the Patel and Nanjappa and other residents of the village were present and did not bid at the sale. After the sale proceedings were completed they refused to sign the proceedings with ulterior motives. Thereafter against the said sale the said Nanja pa preferred an appeal before the Deputy Commissioner, Shimoga District, Shimoga.

The said appeal was considered and a decision in favour of the Ist petitioner was given ordering the local authorities to put the Ist petitioner in possession of the land.

3. Agala Nanjappa preferred a Second Appeal before the Mysore Commissioner. The said appeal also was dismissed confirming the sale in favour of the Ist petitioner.

4. Thereafter Mr.Parameswarappa appealed to the benign Government and the matter was for hearing on 22-7-45. Arguments were heard. And now the petitioners are not aware whether judgment has been pronounced or not.

5. In fact the said land was published in the sale Istihar as Government land and in the public auction regularly held the Ist petitioner has purchased the land and has cultivated and the cultivation expenses and the expenses of defending the suits appeals preferred by Nanjappa have come up to Rs.1000/- and above. As such the current year's crop on the said land belongs to the Ist petitioner. But ignoring this fact the present Amildar of Kunigal sub-Taluk has ordered that the crop on the land belongs to Parameswarappa. As such the tenant of the land has with-held the crop from being delivered either to Ist petitioner or Parameswarappa.

6. As far as the petitioners could see the present Amildar has been taking keen interest to help Parameswarappa in the matter and as the Ist petitioner is the purchaser of the land from the Government in auction it is respectfully submitted that it is unjust for the Amildar to support Parameswarappa.

Review petition re: the disposal of S. No-25 of Tyajavalli, Kumsi-
& Taluk 4109/R / 4243/R / 4472/R.

Muzrai File No. 128 of 1943-44.

3

7. Xxx In the arguments addressed on behalf of M. P. Parameswarappa, before the Hon'ble Minister for Muzrai Department, on 22-1-45, it was been contended that the said Parameswarappa owns no other land except the land in question viz, purchased by the 1st petitioner. This contention is false. In fact the said Parameswarappa owns vast lands in Thyajavalli village itself and for his own Khata he has been paying assessment of Rs.180/- In proof of this fact the Ist petitioner has produced on 28-2-45 before the Hon'ble Minister the certified extracts from the Record of Rights Index.

8. Under these circumstances, the Ist petitioner Abdul Gaffoor and the 2nd petitioner the power of attorney holder from the 1st humbly and most respectfully pray your Honour to be graciously pleased to confirm the sale of the said lands in favour of the Ist petitioner and to order that the the Ist petitioner is entitled to the crops grown on the land.

2nd petitioner.
13-3-45

6793

The main file and a petition recd from the same parties have been subd. to the Minister for orders. This petition may also be placed in the main file.

Subd.
20/3/45.

For kindly placing this petition on the main file sent from the P.A to Hon Min (S. No 4109/R) on 13.3.45

P.A to the Min for S. & R.

(F.C.S. No. 6612)

R4507
REV. & REV. S.O.I.T.
21 MAR 1945
BRANCH

TWO RUPEES.

OFFICE OF THE DEWAN

Before the Dewan, Government of Mysore, Bangalore.

Mwd 128-43-

7.3.45

622

Petitioners:- 1. Abaul Giffoors son of [illegible] Sab.
2. K. Syed Ibsa [illegible] son of Abdul Rahim
Residents of Kumsi Taluk, Shimoga District.

Petitioners most humbly and respectfully beg to submit as follows:-

1. On 4-11-43 the Assistant Sub-Divisional Officer and Amildar of Kumsi Sub Taluk held a Public Auction of the Survey No.85 of Tyagavalli village, Kumsi Sub Taluk, Shimoga District. In fact the said Survey No. only was connected with the Choultry Inam of Tyagavalli. After the cancellation of the Inam and after the said land was resumed to Government, the said selection was in which the Ist petitioner was the successful bidder (In the Malika Parcha) of Rs.2000/- and after the Ist petitioner credited a sum of Rs.221-4-0 [illegible] Kumsi Sub-Taluk (Rs.2000/- [illegible] the balance for Rasum fund etc.) and [illegible] to account in I.A.C. No.4/43-44 at [illegible] office.

19/3/45

2. At the time of the said [illegible], the Harijans of Tyagavalli [illegible] and other residents of [illegible] present and did not [illegible] [illegible] [illegible]

the said appeal was considered and a decision in favour of the 1st petitioner was given ordering the local authorities to put the 1st petitioner in possession of the land.

3. [illegible] preferred a second ~~xxxxx~~ Appeal before the Puwakpitiya Commissioner. The said appeal also was dismissed confirming the sale in favour of the 1st petitioner.

4. Thereafter [illegible] appeal to the Sabaragamuwa Provincial Council and the matter was fixed for hearing on 22-1-96. Arguments have been heard. Till now the petitioners are not aware whether judgment has been pronounced or not.

5. In fact the said land was published in the sale list as Government land and in the public auction regularly held the 1st petitioner has purchased the land and has cultivated and the cultivation expenses and the expenses of defending the said appeals preferred by [illegible] have come up to Rs.1000/- and above. As such the current paddy crop on the said land belongs to the 1st petitioner. But ignoring this fact the present [illegible] Commissioner has considered that the crop on the land belongs to [illegible] and as such the said [illegible] has withheld the crop from being delivered either to 1st petitioner or [illegible].

6. As far as the petitioners could see the present [illegible] has been acting contrary to [illegible] [illegible] [illegible]

Disposal of S.No. 85 of Tyajavalli, Kumsi Sub Taluk.
4472/R 4507/R.

Muzrai File No 128 of 1943-44.

65

3

7. Xxx In the arguments addressed on behalf of T. P. Parameswarappa, before the Hon'ble Minister for Muzrai Department, on 22-1-45, it was been contended that the said Parameswara owned no other land except the land in question viz, purchased by the Ist petitioner. This contention is false. In fact the said Parameswara owns vast lands in Thyajavalli village itself and for his own Khata he has been paying assessment of Rs.120/- In proof of this fact the Ist petitioner has produced on 22-2-45 before the Hon'ble Minister the certified extracts from the Record of Rights Index.

8. Under these circumstances, the Ist petitioner Abdul Gaffoor Sab and the 2nd petitioner the power of attorney holder from the Ist humbly and most respectfully pray your Honour to be graciously pleased to confirm the sale of the said lands in favour of the Ist petitioner and to order that the the Ist petitioner is entitled to the crops grown on the land.

2nd petitioner.

6842

on 20.3.45 with S.No. 4472/R) A Duplicate of this petition was referred to the R.D. to the Mr. for Supplies for being placed in the main file hereunder for orders. This may also be placed in that file

Vide No. 6793.

22/3/45

PA to the Mr for Supplies

G. R. S. App. F VI—G 2]

SUBJECT ..... 2 Drafts .....

....

....

Diary No. of letter replied to .....4088/R.....

Section Murrai

File No. 128-43

Serial No. 16

General and Revenue Secretariat

(Murrai Section)

the 16th April *1945.*

Proceedings of the Government of His Highness the Maharaja of Mysore.

ooo

Murrai Review Petition No. 3 of 1944-45.

Date of issue 30 : 4 ....1945.

Signed by ..... Mr. S. K. V. .....

Serial No	Survey No	Class	Area A-G.	Assessment R A P.
1.	30	Dry	2-05	0-8-0
2	85	Wet	7-29	27-0-0

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

PUD I

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

List of enclosures:—

(i) M C's office file No R Dis 185/42-43 & 256 A2

(ii) D C's " " " " Murc 154/42-43, & 17 43

(iii) Vernacular file ending with Memo No 140, dated 23 11 1942 of the Sub Registrar, Shimoga Sub-Dist to the Dy-Asst C Kumsi

(iv) " ending with report No Murc 9/37 dated 6 2 45 from the Dy Asstt C, Kumsi to the D C Shimoga

PUD II

Read— Govt Order No. R.9801-5/Murrai 348-42-2, dated the 12th June 1943, sanctioning, inter alia, the cancellation of the inam tenure of the marginally noted lands at Iyajavalli, Kumsi Sub-Taluk, endowed to the Choultry there, and the disposal of these lands in public auction, the resale proceeds being credited to the Chattram Savings Fund.

2. Petition dated the 29th October 1943, from I'P Parameshwarappa, Patel of Iyajavalli and the Vahivatdar of the Choultry in the Village praying that the G.O. dated the 12th June 1943 read above may be withdrawn and the two S. Nos, viz, 30 and 85, may be confirmed to him for an upset price of Rs. 600/-.

3. Correspondence ending with letter No P1-C 141/43-44. dated the 19th April 1944, from the

Muzrai Commissioner in Mysore, recommending sanction to the grant of S Nos. 30 and 85 of Iyajavalli to J P Parameshwarappa for an upset price of Rs. 1,600/-.

4. Letter No. Muz – C 2145/43-44, dated the 14th February 1945, from the D C, Shimoga District (received with letter No P1- C 141/43-44, dated the 16th February 1945), reporting that, although the S D O. Shimoga, sold S. No. 85 of Iyajavalli in auction to Abdul Gafoor of Harnahalli for Rs 2000/-, the land continued to be in the possession of Parameshwarappa, and that the Vendee has not been placed in actual possession of the land.

5. Petitions dated the 8th and 13th March 1945 from Abdul Gafoor, stating PUD IV + PUDV that he has not only obtained possession of S. No. 85 referred to above, but also raised sugar cane crop on the land incurring expenditure thereon and, therefore, praying that the land may be allowed to continue in his possession

ORDER No R. 6840-A1 – Exn. 47 files.

Dated the 30th April 1945.

Kumsi Sub-Taluk

S. Nos 30 and 85 of Iyajavalli had been endowed as Dharmadaya inam lands for the upkeep of the Choultry at the village, and the maintenance in good order of the tope and th , attached to the institution. J P. Parameshwarappa, the Vahivatdar of the Choultry having failed to renovate the building which had been allowed to become dilapidated due to neglect on his part and also of his predecessors, Govt sanctioned the recommendation in their order read above, of the M-C to dispose of the lands on auction, for an upset price of Rs 1600/-, their inam tenure being cancelled

List of Enclosures

Copied by

Examined by

2 Accordingly the S D C, Shimoga Sub Division, held the sale of the lands on the 4th November 1943. No bid was received for S No 30, but S No 85 was knocked down to Mrs Gaffoor of Harnahalli, who offered the highest

On the 18th November 1943

bid. viz, Rs 2,000/= the sale purchaser credited the sum of Rs 2,281-4-0 (being the price of the land and the cesses thereon) to the treasury. In the meanwhile,

~~G. R. S. App. F. G. 3.~~
~~GENERAL AND REVENUE~~
~~SECRETARIAT.~~

Parameshwarappa submitted petitions to Govt and the M.C. praying that the two S Nos might be confirmed to him for Rs 600/= One Nanjappa of Jyajavalli

(*Continuation sheet draft form.*)

petitioned the D.C., Shimoga Distt., offering a bid of Rs 2,500/= for these lands and requesting that they might be confirmed to him. The D.C. however rejected Nanjappa's petition and confirmed the sale held by the S.D.O as it was regular. The R.C. Lr. dismissed the

with [illegible] in the matter and [illegible] (original order was passed by

In pursuance of 3 of report having been called for by the M.C. on the petitions of Parameshwara Govt Parameshwarappa petitioned to Govt praying for the cancellation of the order of 12.6.43 and for confirmation of the lands to him

~~Nanjappa the S.D.O ordered that the village of Jyajavalli was factious, that the high bid received for S.No.85 was partly due to the existence of rivalry among~~ for Rs 600/-)

~~the parties and that in view of the lands being in the possession of Para~~ The D.C. on review set aside the sale

~~meshwar appa's family for many years they might be~~ granted to him the lands (viz, Rs 2,000/-) for an upset price ~~equal to the bid realised in the sale~~. ~~The D.C. however~~

~~recommended the grant of the S Nos~~ offer Rs 1,100/- ~~in view of the fact that during the long period of occupation of the lands he should have spent con-~~

~~siderable money on them~~ The Manager for both the parties

3 Sri Abdul Gaffoor also presented applications before Govt urging that he had incurred some expenditure to bring S.No.85 under cultivation, that he had grown sugar cane ~~crop~~ therein and that it may therefore be left in his possession as the vendee. Both the parties were therefore heard on the 22nd January 1945.

4 Sri Although it was represented by the counsel for the sale purchaser that in furtherance of confirmation by the D.C of the sale that he (Abdul Gaffoor) was put in possession of the land and that he had also effected improvements and raised a sugar cane crop, the D.C's report of 14th February 1945 shows that Parameshwarappa was not dispossessed of the lands in spite of [illegible] however reveal that although the lands were ordered to be resumed and sold on auction

the orders to resume and dispose of them in auction, and that he continued in possession even after the sale and that Abdul Gaffoor was never put in possession of the land which is even now in the possession of the former. The Govt, considering that in view of the facts that the family of the Petitioner (Parameshwarappa) have held the land for several years and improved it and that both the D.C. and the M.C have recommended that some preference should be shown to him, has decided some consideration, they are accordingly pleased to direct that the sale of S.No. 85 be cancelled and the lands be confirmed to Parameshwarappa, provided he pays up, within fifteen days from the date of receipt of notice, the amount realised at the sale, namely Rs 2,000/- (two thousand) together with a solatium of Rs 100/- (one hundred) to be paid to the sale purchaser; and that if Parameshwarappa fails to pay the amount within the above period, the confirmation of the sale of S.No. 85 in favour of Abdul Gaffoor shall stand and that he shall be put in possession of the land all the necessary formalities in this behalf being complied with without any delay.

for Gen. Secy to Govt.

Mysr. Commr in Mysore. with the connected records (4 files).
D.C. Commr, Shimoga Dist.

No. R 1[illegible] /Mysr 128-43-17. Dated the 30th April 1945.

ENDORSEMENT.

Granted to — J P Parameshwarappa, Jyajavalli, Thirthahalli Sub Taluk Petitioner, C/o Mr A R Somanatha Iyer, B.A, L.B, Bangalore City

Abdul Gaffoor, Harnahalli, Thirthahalli Sub-Taluk, Counter Petitioner, C/o M.S K Venkatarangaiyengar, B.A, L.B, Bangalore city

Mysore Review Petition No. 3 of 1943-44.

The Petitioner/Counter Petitioner is hereby informed that for the reasons noted in G.O. No. R [illegible] /Mysr 128-43-16, dated the 30th April 1945, S No 85 of Jyajavalli village is ordered to be confirmed to [illegible] provided he pays up, within 15 days from the date of receipt of notice, the sum of Rs. 2,000/- together with a solatium of Rs 100/- to be given to the Counter-Petitioner, failing which the confirmation of the sale by the D.C. in favour of the latter (Abdul Gaffoor) will stand, and that he will be put in possession of the land without delay.

Proceedings of the Government of His Highness
the Maharaja of Mysore.

Read -

Government Order No.R.9801-5/Muzrai.348-42-2 dated the 12th June 1943, sanctioning inter alia, the cancellation of the inam tenure of the marginally noted lands at Tyajavalli, Kumsi Sub-Taluk endowed to the choultry there, and the disposal of these lands in public auction, the realisations being credited to the Chattram Savings Fund.

Serial No.	Survey No.	Class.	Area A. G.	Assessment Rs.As.Ps.
1	30	Dry	2-05	0-8-0
2	85	Wet	7-29	27-0-0

2. Petition dated the 29th October 1943 from T.P. Parameshwarappa, Patel of Tyajavalli and the Vahivatdar of the Choultry in the village praying that the Government Order dated the 12th June 1943 read above may be withdrawn and the two Survey Numbers, viz. 30 and 85, may be confirmed to him for an upset price of Rs.600/-.

3. Correspondence ending with letter No.P.1-C.141/43-44, dated the 19th April 1944, from the Muzrai Commissioner in Mysore, recommending sanction to the grant of S.Nos. 30 and 85 of Tyajavalli to T.P. Parameshwarappa for an upset price of Rs.1,600/-.

4. Letter No.Muz-C.2145/43-44, dated the 14th February 1945, from the Deputy Commissioner, Shimoga District (received with -- letter No.P1-C.141/43-44 dated the 16th February 1945 from the Muzrai Commissioner in Mysore), reporting that although the Sub Division Officer, Shimoga, sold S.No.85 of Tyajavalli in auction to Abdul Gaffoor of Karnahalli, for Rs.2000/- the land continued to be in the possession of Parameshwarappa, and that the vendee has not been placed in actual possession of the land.

5. Petitions dated the 2nd and 16th March 1945 from Abdul Gafoor on the subject.

ORDER NO. R.6840-41/Muz.128-43-16

Dated, Bangalore, 30th April 1945.

Survey Nos.80 and 85 of Tyajavalli, Kumsi Sub Taluk, had been endowed as dharmadaya inam lands for the upkeep of the -- choultry at the village, and the maintenance in good order of the tope and the well attached to the institution. T.P. Parameshwarappa, the vahiwatdar of the choultry having failed to renovate the building which had been allowed to become dilapidated due to neglect on his part and also on that of his predecessors, Government sanctioned in their order read above, the recommendation of the Muzrai Commissioner to dispose of the lands in auction, with an initial bid of Rs.500/-, their inam tenure being cancelled.

2. Accordingly the Sub Division Officer, Shimoga Sub Division, held the sale of the lands on the 4th November 1943. No bid was received for S.No.80, but S.No.85 was knocked down to Abdul Gaffoor of Harnahalli, who offered the highest bid, viz. Rs.2,000/-. On the 18th November 1943 the sale purchaser credited a sum of Rs. Rs.2,281-8-0 (being the price of the land and the cesses thereon) to the treasury. In the meantime, Parameshwarappa submitted petitions to Government and the Muzrai Commissioner, praying that the two S. Nos. might be confirmed to him for Rs.600/-. One Nanjappa of Tyajavalli petitioned the Deputy Commissioner, Shimoga District, offering a bid of Rs.2,500/- for these lands and requesting that they might be confirmed to him. The Deputy Commissioner however rejected Nanjappa's petition and confirmed the sale held by the Sub Division Officer as it was regular. The Revenue Commissioner having declined to interfere in the matter as the original order was passed by Government, Parameshwarappa petitioned to Government praying for the cancellation of the order of 12th June 1943 and for confirmation of the lands to him for Rs.600/-.

3. The Counsels for both parties were heard on 22nd January 1945.

4. It was represented by the counsel for the sale purchaser that in furtherance of confirmation by the Deputy Commissioner of the sale that he (Abdul Gafoor) was put in possession of the land and that he had also effected improvements and raised a --

sugar cane crop. Enquiries since made however reveal that although the lands were ordered to be resumed and sold in auction, Parameshwarappa was not dispossessed of the lands, that he continued in possession even after the sale and that Abdul Gaffoor was never put in possession of the land which is even now in the possession of the former.

5. Government would ordinarily be unwilling to interfere with a sale which has been regularly sold. In view however of the facts that the family of the petitioner (Parameshwarappa) -- have held the land for several years and improved it and that both the Deputy Commissioner and the Muzrai Commissioner have recommended that some preference should be shown to him and that the sale purchaser has not yet been put in possession, Government are of opinion that some consideration may be shown to the petitioner. They are accordingly pleased to direct that the sale of S.No.85 be cancelled and that both the lands be confirmed to Parameshwarappa, provided he pays up, within fifteen days from the date of receipt of notice, the amount realised at the sale, namely Rs.2,000/- (Two thousand) together with a solatium of Rs.100/- (One hundred) to be paid to the sale purchaser. If Parameshwarappa fails to pay the amount within the above period, the confirmation of the sale of S.No.85 in favour of Abdul Gaffoor shall stand and that the sale purchaser will be put in possession of the land and all the necessary formalities in this behalf will be completed.

Sd. M. Ismail Khan

Secretary to Government,
General Department.

To

The Muzrai Commissioner in Mysore with the connected records.
The Deputy Commissioner, Shimoga District.

"Copy"

(FDF)

for Secretary to Government,
General Department.

Date of application

Number of words

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GE. & M.
20 JULY 1945
RECEIVE BRANCH.

0286

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2/7/45

Secretariat Govt. of His Highness
the Maharaja of Mysore

NVP

Rev. Publication No. 3/63
Dept:— Parliamentary —

Secy:— Abdul Gafoor —

Return memo

The undersigned begs to
forward herewith the
enclosed Notification dated 20/19.4.1944 from the
Legislative Secretariat in duplicate
Case —

Note —
20/7/45

(Sd) K. Syed Hassan Sab
Power of attorney holder
for Secy to Govt

286/R

Application for return of documents filed

The three documents/were produced (placed below) On 22-1-45 by the Counsel for the Counter Petitioner in Mvr Rev Petn. No. 3 of 43-44. If appd. these will be returned to him, his acknowledgment being obtained.

30/1/45

Encrosement No P1-2397/43-44, D 19-4-44 from M.C to Abdul Gaffer
2 documents for cultivating the S.No 85 executed on 18-2-44.

Documents delivered.

Vide 286/2

Sd/- Syed Hussain
29-7-44